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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/007,274

10/22/2001

Heizaburo Kato

5280-000005

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11/06/2003

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EXAMINER

CADUGAN, ERICA E

ART UNIT

PAPER NUMBER

3722

DATE MAILED: 11/06/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/007,274

Applicant(s)

KATO, HEIZABURO

Examiner

Erica E Cadugan

Art Unit

3722

--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 8-10, 12-14, per the office action mailed 8/12/2003.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Erica E Cadugan
Patent Examiner
Art Unit: 3722

Continuation of 2. NOTE: Firstly, it is noted that new claim 15 includes the limitation "wherein said space is linked with said gap and a portion of said oil flows from said gap portion and a portion of said oil flows from said gap portion" (sic) "into said space while said rotating table is stopped", where the "while said rotating table is stopped" is a new limitation that was not previously set forth in the claims. The addition of this new limitation creates a new issue that would require at least further consideration, and that would possibly require further search. Secondly, it is noted that at least new claim 15 does not reduce the issues for appeal because it would necessitate a new rejection under 35 USC 112. Note that "said housing" in line 8 of claim 15 lacks sufficient antecedent basis. Also, as a side note, note that in the last three lines of the claim, it appears that "and a portion of said oil flows from said gap portion" was inadvertently entered into the claim twice..

Continuation of 5. does NOT place the application in condition for allowance because:

Firstly, many of Applicant's arguments are directed to the new limitation regarding the oil flowing from the gap portion into the space "while the table is stopped", which limitation would require at least further consideration and possibly would require further search. As such, those arguments are not being addressed.

Additionally, it is noted that Applicant has also made several assertions about dampers and the attenuation properties of the claimed invention, e.g. "[A]dditionally, the oil between the end surface of the rotating table and the opposing surface of the housing functions as a damper. In other words, according to claim 15, oscillation of the rotating table in the stopped state is attenuated promptly." and "[A]dditionally, according to '048, the oil in the chamber 24 does not function as a damper, and the oil is used only for lubrication. This is evidenced by the fact that the plate 1 engages a ring-shaped member 8 without any play. Therefore, with the structure of '048, oscillation of the stopped rotating table (plate 1) cannot be attenuated as in the invention now claimed." However, it is noted that the features upon which applicant relies (i.e., any "damper" or any "attenuation", or such related claim language) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).